



# United States Department of the Interior

BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

IN REPLY REFER TO:

LC-4220

WTR-4.03

JUN 20 2012

CERTIFIED - RETURN RECEIPT REQUESTED

Honorable Timothy Williams  
Chairman  
Fort Mojave Indian Tribe  
500 Merriman Avenue  
Needles, CA 92363

Subject: Notice of Calendar Year (CY) 2011 Overrun of Colorado River Entitlement by the Fort Mojave Indian Tribe – California Reservation (Tribe)

Dear Chairman Williams:

Effective January 1, 2004, the Inadvertent Overrun and Payback Policy (IOPP) established requirements for payback of any inadvertent overuse of Colorado River water by users in the Lower Division States. A copy of the IOPP is enclosed for reference. In accordance with the IOPP, this letter informs the Tribe that the Bureau of Reclamation's final water accounting records for CY 2011 document that the Tribe incurred an overrun of 155 acre-feet.

An overrun governed by the IOPP occurs when an entitlement holder inadvertently diverts, pumps, or receives Colorado River water in excess of the entitlement holder's approved water order for that year. By letter dated November 23, 2011, the Bureau of Indian Affairs approved the Tribe to divert up to 14,671 acre-feet of Colorado River water during CY 2011. This approval incorporated a 2,049 acre-foot payback obligation, which the Tribe was required to make in 2011.

As published in the *Colorado River Accounting and Water Use Report, Arizona, California, and Nevada Calendar Year 2011*, the Tribe diverted 14,826 acre-feet in 2011, thereby exceeding its approved water order by 155 acre-feet. As noted in Reclamation's letter to the Tribe dated May 2, 2012, Reclamation has accounted for this as a new overrun, which is subject to the following payback requirements.

An entitlement holder incurring an inadvertent overrun is required to submit a payback plan to Reclamation that demonstrates how the entitlement holder will intentionally forgo use of Colorado River water by implementing extraordinary conservation measures sufficient to meet its payback obligation. Examples of extraordinary conservation measures that might be used to meet a payback obligation include, but are not limited to: delivery system improvements, land fallowing, seepage recovery, on-farm conservation (e.g. scientific irrigation scheduling, salinity

management, and soil moisture monitoring), forgone banking of Colorado River water off-stream, and exchange of Colorado River water for water banked off-stream. For overruns incurred in CY 2011, an entitlement holder must submit a payback plan to Reclamation by July 23, 2012. An entitlement holder's payback plan must describe:

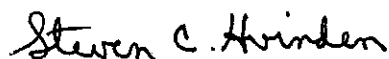
- a. The cause of the overrun.
- b. The extraordinary conservation measure(s) that will be implemented to pay back the overrun.
- c. The schedule, location, and amount of water that will be conserved by the payback measure(s), and information that adequately demonstrates that the proposed payback measure(s) is: (1) in addition to measures being implemented to conserve water in accordance with any existing water transfer agreements, water conservation agreements, or Intentionally Created Surplus Plans of Creation, and (2) in addition to the measures implemented in any Reclamation-approved water conservation plan.
- d. How the payback measure(s) being implemented will meet the payback obligation.
- e. The amount of Colorado River water that will be conserved and/or supplemented by the payback measure(s) being implemented, for each year in the case of 3-year payback plans.
- f. The method(s) by which Reclamation will be able to monitor the implementation of the payback plan and verify the amount of payback.

The number of years within which an overrun must be paid back, and the minimum payback required for each year are defined in Section 2.6 of the IOPP. The Tribe's payback for the CY 2011 overrun is governed by Section 2.6.c. of the IOPP, which requires that the minimum payback amount each year be "the greater of 20 percent of the individual entitlement holder's maximum allowable cumulative overrun account amount or 33.3 percent of the total account balance." The IOPP limits an entitlement holder's cumulative overrun account amount to a maximum of 10 percent of the entitlement holder's annual entitlement. Based on the Tribe's annual entitlement of 16,720 acre-feet, the Tribe's cumulative overrun account limitation is 1,672 acre-feet ( $16,720 \text{ acre-feet} \times 0.10 = 1,672 \text{ acre-feet}$ ).

Because 20 percent of the Tribe's maximum allowable cumulative overrun account amount ( $1,672 \text{ acre-feet} \times 0.20 = 334 \text{ acre-feet}$ ) is greater than 33.3 percent of the Tribe's total account balance ( $155 \text{ acre-feet} \times 0.33 = 52 \text{ acre-feet}$ ), the Tribe is required to pay back the full 155 acre-feet in CY 2013.

Should the Tribe need assistance in developing its payback plan, or have questions regarding the IOPP or the Tribe's overrun and payback obligation, please contact Mr. Paul J. Matuska, Water Accounting and Verification Group Manager, at 702-293-8164.

Sincerely,



Steven C. Hvinden  
Chief, Boulder Canyon Operations Office

Enclosure

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